

REMARKS

Claims 1-6 and 11-12 are in the application. By this amendment, claim 1 is amended and claims 9-10 are canceled.

All claims in the case stand rejected under 35 U.S.C. §102 as being anticipated by *Blake* (6,874,806). In response, Applicant has amended claim 1 to recite that a motor vehicle includes a trailer hitch attached to a structural member and a step pivotably coupled to brackets which are mounted to the structural member such that the step can articulate about an axis between first and second positions, with the brackets being attached to the structural member such that the trailer hitch is operational when the step is in either of its first or second positions. As such, Applicant's claimed device clearly defines patentably over *Blake*, because *Blake's* trailer hitch 15 is usable only when his trailer hitch cover is in its horizontal or open position. This presents a sizable drawback for the use of *Blake* with a motor vehicle, because with certain trailers it may not be either possible or desirable to operate the trailer with the hitch cover or rear step in the lowered position. For example, with the device in its lowered position, persons hitching or unhitching a trailer might be prone to injury from running into the lowered step or cover. This will not happen with Applicant's claimed device.

As amended, claim 1 contains the substance of claims 9 and 10 therein, and sets forth a vehicle having a trailer hitch attached to a rear structural member and a step which is pivoted to the structural member, with the trailer hitch being accessible and usable when the step is either in its up, or stowed position, or in its down, or deployed position. As a result, amended claim 1, as well as each of claims 2-6 and 11-12, which depend from claim 1, are allowable over *Blake* and should be passed to issue. Such action is earnestly solicited.

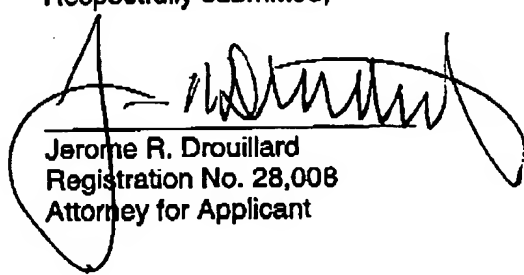
Regarding claims 2-8, because each of these claims depends from claim 1, which, as amended, is allowable over *Blake*, each of claims 2-8 is now allowable as well and should be passed to issue. Such action is earnestly solicited. Furthermore, claims 11-12 also depend

from claim 1 and should be passed to issue for the same reason. Such action is earnestly solicited.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blake* in further view of *Hehr* (6,685,204). *Hehr* is cited by the Examiner as showing a locking mechanism having a sliding pin. However, *Hehr* does not show a deployable step in conjunction with a trailer hitch, with the trailer hitch being usable regardless of whether the step is in its up or down position, and as a result, claim 12, as well, is allowable over the combination of *Blake* and *Hehr*, because neither *Blake* nor *Hehr*, whether taken singly, or in combination with each other, either teach or suggest Applicant's invention as set forth in claim 12, which, of course, depends from claim 1. As a result, claim 12 is allowable too and should be passed to issue. Such action is earnestly solicited.

In sum, each of the claims remaining in this case, i.e., claims 1-8 and 11-12 should be passed to issue. Such action is earnestly solicited.

Respectfully submitted,


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